

1 SEDGWICK, DETERT, MORAN & ARNOLD LLP
STEPHANIE SHERIDAN Bar No. 135910
2 MICHAEL N. WESTHEIMER Bar No. 178938
One Market Plaza
3 Steuart Tower, 8th Floor
San Francisco, California 94105
4 Telephone: (415) 781-7900
Facsimile: (415) 781-2635
5 Email: Stephanie.sheridan@sdma.com
Michael.westheimer@sdma.com

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7 Attorneys for Defendant
TUMI, INC.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 VICTOR GAMALY, individually and on
behalf of himself and all others similarly
12 situated,

13 Plaintiff,

14 v.

15 TUMI, INC.,

16 Defendant.

CASE NO. C07-04758 JF

**[PROPOSED] ORDER GRANTING
DEFENDANT TUMI, INC.'S MOTION TO
DISMISS**

Date: January 4, 2008
Time: 9:00 a.m.
Judge: Hon. Jeremy Fogel
Ctmm: 3, 5th Floor

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18 Defendant Tumi, Inc's Motion to Dismiss in the action of Plaintiff Victor Gamaly for
19 alleged willful violation of the Fair and Accurate Credit Transactions Act ("FACTA"), 15 U.S.C.
20 § 1681c(g), came on regularly for hearing before this Court. Good cause appearing, this Court
21 orders as follows:

22 IT IS HEREBY ORDERED that Defendant's Motion to Dismiss is GRANTED.

23 Plaintiff's action is dismissed because the allegations in Plaintiff's Complaint are insufficient as

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1 a matter of law to state a claim of willful violation of FACTA under the federal pleadings
2 requirements. Bell Atlantic Corp. v. Twombly, 550 U.S. ___, 127 S. Ct. 1955 (May 1, 2007).

3 IT IS SO ORDERED.

4 DATED:

5 By: _____
6 Hon. Jeremy Fogel
7 United States District Judge
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